

## ALKISTIS G. MEIMARIS, ESQ.

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October 30, 2018

Hon. Barbara Moses  
U.S. District Court  
Southern District of New York  
500 Pearl Street, Room 1310  
New York, NY 10007

RE: Response to Defendants' Reply to Plaintiffs' Opposition to Motions to Dismiss in Estate of Meimaris et. al. v. Joseph E. Royce et. al. 1:18-cv-4363

Dear Judge Moses:

I am counsel for Plaintiffs and I am writing to respectfully request to file responses to Defendants' Reply to Plaintiffs' Opposition to the Motions to Dismiss.

The reason for this request is that the Defendants are purposely misstating the facts and not accurately portraying the particulars of the case, as outlined in Plaintiffs' Third Amended Complaint ("TAC") and Plaintiffs' Opposition to Motion to Dismiss. Defendants either quote Plaintiffs' documents incorrectly, or partially, in such a manner that changes the facts and the meanings of the statements. Defendants' continuously misconstrue and distort the facts contained in those documents.

Defendants' Replies are filled with false and misleading statements. For example, Defendants blatantly misstate the truth by stating that Plaintiffs "vaguely" argue that a fiduciary relationship existed between Mr. Royce, Mr. Blatte and Captain Meimaris. This is patently incorrect as the documents state with particularity the fiduciary relationship which existed between them. Further, they misleadingly and falsely state that Plaintiffs rely on one sole case with regard to holder claims. (ECF No. 95 at pg. 7) Plaintiffs relied on several cases with regard to holder claims. (ECF No. 79 at pgs.12-13).

Defendants even try to blindsight the Court into believing that Plaintiffs brought up new allegations in their Opposition papers. Again, a falsity. Plaintiffs did not bring up new

allegations. Plaintiffs were merely explaining why the Company Defendants were complicit in the fraud and that the Plaintiffs are within the applicable statute of limitations.

The Defendants continuously and consistently misstate the allegations in Plaintiffs' documents. In so being, their Replies are based on falsifications and twisting of the truth. As such, Defendants are trying to mislead the Court, in an attempt undermining the validity of Plaintiffs' claims. Finally, Defendants constantly address the Statute of Limitations issues, when, as seasoned attorneys, they are well aware that the question of when the statute tolls is a question of a triable issue of fact for a jury to determine. In light of the foregoing Plaintiffs would like the opportunity to respond to Defendants' Reply Memorandum of Law, to set the record straight or in the alternative Plaintiffs would like to request oral argument.

For the foregoing reasons, Plaintiffs respectfully request the Court to allow them to either file a Response to Defendants' Reply to the Plaintiffs' Opposition to Motions to Dismiss or grant oral argument.

Respectfully Submitted,

/s/ Alkistis Meimaris  
Alkistis G. Meimaris, Esq.

CC: Counsel of Record via ECF